

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Joseph Constant,

Plaintiff,

v.

Case No. 15-11926

Ms Shalina D Kumar (P56595),

Honorable Sean F. Cox

Defendant.

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**ORDER DISMISSING**  
**PLAINTIFF'S CLAIMS AGAINST JUDGE KUMAR**  
**BASED UPON ABSOLUTE JUDICIAL IMMUNITY**

Acting *pro se*, Joseph Constant ("Plaintiff") filed this action against a single Defendant, Shalina Kumar. In an order issued on June 8, 2015 (Docket Entry No. 4) this Court granted Plaintiff's application to proceed *in forma pauperis* in this action.

In addition, this Court ordered Plaintiff to show cause, in writing, why his claims against Judge Kumar should not be dismissed based upon absolute judicial immunity, stating:

Upon initial review of Plaintiff's Complaint, it appears that Plaintiff's claims against Judge Kumar should be dismissed because that Defendant is entitled to absolute judicial immunity. The Court hereby **ORDERS PLAINTIFF TO SHOW CAUSE, in writing, no later than June 16, 2015**, why his claims against Judge Kumar should not be dismissed based upon judicial immunity.

(*Id.* at 2).

Having reviewed Plaintiff's Complaint and his Response to the Show Cause Order, and mindful of this Court's obligations under § 1915, the Court concludes that Plaintiff's claims against Judge Kumar are barred by the doctrine of absolute judicial immunity.

Under the doctrine of judicial immunity, “[g]enerally, a judge is immune from a suit for money damages.” *Mireless v. Waco*, 502 U.S. 9, 11 (1991). Furthermore, absolute judicial immunity may be overcome in only two instances. First, a judge is not immune from liability for non-judicial actions and second, a judge is not immune for actions, although judicial in nature, taken in complete absence of all jurisdiction. *Id.*

Here, Plaintiff’s Complaint and Response allege that Judge Kumar took various actions in connection with Plaintiff’s state-court case pending before her. Plaintiff does not allege that Judge Kumar took actions in complete absence of all jurisdiction. Plaintiff alleges that Judge Kumar took various actions, such as rescheduling Plaintiff’s motion hearing, not recognizing Plaintiff’s affidavit as authority, dismissing Plaintiff’s answer and exhibits, and acting in a “demeaning” manner during Plaintiff’s conference. (Docket Entry No. 10, at 4-5). Having reviewed Plaintiff’s Complaint and Response, none of the alleged actions by Judge Kumar fall outside of the scope of judicial immunity.

Accordingly, the Court **ORDERS** that Plaintiff’s claims against Judge Kumar are hereby **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: July 15, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and counsel of record on July 15, 2015, by electronic and/or ordinary mail.

S/J. McCoy

Case Manager